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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARLOS ASUNIONMAGANA,

Defendant.

Case No. 2:23mj770 JCB

SEALED COMPLAINT

COUNT 1: Possession of Fentanyl with
Intent to Distribute, 21 U.S.C. § 841(a)(1)

COUNT 1: Possession of Cocaine with
Intent to Distribute, 21 U.S.C. § 841(a)(1)

Judge Jared C. Bennett

Before Jared C. Bennett, United States Magistrate Judge for the District of Utah,
appears the undersigned, who on oath deposes and says:

COUNT 1

**21 U.S.C. § 841(a)(1)
(Possession of Fentanyl with Intent to Distribute)**

On or about August 17, 2023, in the District of Utah,

Carlos ASUNIONMAGANA,

the defendant herein, did knowingly and intentionally possess with the intent to distribute
fentanyl, a Schedule II controlled substance, within the meaning of 21 U.S.C. § 812; all

in violation of 21 U.S.C. § 841(a)(1) and punishable pursuant to 21 U.S.C. § 841(b)(1)(C).

This Complaint is made on the basis of investigation described in the affidavit below, and with the following elements for the charged counts as follows:

The elements of Count 1, violation of 21 U.S.C. § 841(a)(1), Possession of Fentanyl with Intent to Distribute are:

- a. The defendant knowingly and intentionally possessed fentanyl with intent to distribute as charged; and
- b. The substance was, in fact, fentanyl, a Schedule II Controlled Substance.

COUNT 2

**21 U.S.C. § 841(a)(1)
(Possession of Cocaine with Intent to Distribute)**

On or about August 17, 2023, in the District of Utah,

Carlos ASUNIONMAGANA,

the defendant herein, did knowingly and intentionally possess with the intent to distribute cocaine, a Schedule II controlled substance, within the meaning of 21 U.S.C. § 812; all in violation of 21 U.S.C. § 841(a)(1) and punishable pursuant to 21 U.S.C. § 841(b)(1)(C).

This Complaint is made on the basis of investigation described in the affidavit below, and with the following elements for the charged counts as follows:

The elements of Count 2, violation of 21 U.S.C. § 841(a)(1), Possession of Cocaine with Intent to Distribute are:

- a. The defendant knowingly and intentionally possessed cocaine with intent to distribute as charged; and

b. The substance was, in fact, cocaine, a Schedule II Controlled Substance.

AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT

Complainant, Brett Taylor, being duly sworn, hereby states that this Felony Complaint is based on information obtained through an investigation consisting of the following:

1. I am a Special Agent with the FBI and have been employed by the FBI since February of 2022. I am currently assigned to the FBI Wasatch Metro Drug Task Force (WMDTF) and am tasked with investigating street gangs and drug trafficking. As a Special Agent with the FBI, I have participated in several investigations involving drug trafficking activities in violations of 21 U.S.C. §§ 841 and 846. Additionally, I have participated in investigations that involve sophisticated electronic surveillance methods to include GPS vehicle trackers, pen register/trap and trace devices, and court authorized Title III wire intercepts. I am also familiar with the appearance, packaging, common usage, and terminology regarding controlled substances through my training, experience, and observation. I am familiar with the facts and circumstances alleged in this complaint.

2. On or about August 17, 2023, the Layton Police department was called to a possibly intoxicated male who was stumbling around a vehicle. Layton Police Department responded to the area and located **Carlos ASUNIONMAGANA** and his vehicle. **ASUNIONMAGANA** and his vehicle were located in the public parking lot of Target in Layton, Utah. **ASUNIONMAGANA** was identified with his date of birth, December 10, 1996, and his vehicle was identified as a 2004 Nissan Sentra with a California license plate 6GKG728. When Layton officers made contact with

ASUNIONMAGANA, the doors to the vehicle were open. From where the officers were standing from outside the vehicle, and through the open doors, the officers observed drug paraphernalia inside of the vehicle. The officers also observed circular blue M30 pills scattered around the vehicle which they recognized, based on their training and experience, as illegal narcotics.

3. Additionally, the officers also observed that **ASUNIONMAGANA** showed obvious signs of drug use and the officers detained him. The officers then searched the vehicle, and during that the initial search of the vehicle Layton officers located a distributable amount of suspected cocaine and a distributable amount of M30 pills at which point they stopped searching the vehicle. Agents then sought and obtained a court authorized state search warrant to search **ASUNIONMAGANA**'s vehicle located in Davis County, Utah.

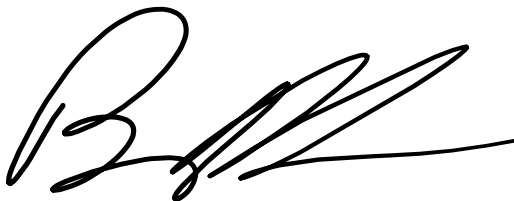
4. On or about August 17, 2023, WMDTF agents executed this warrant and searched **ASUNIONMAGANA**'s vehicle.

5. During the search of **ASUNIONMAGANA**'s vehicle agents were able to locate and seize approximately 2,471.21 grams of blue field tested-positive fentanyl and 106.2 grams of rainbow-colored pills which also field tested positive for fentanyl. The agents also located and seized approximately 2,021.78 grams of cocaine which field tested positive.

6. During a post-*Miranda* interview, **ASUNIONMAGANA** admitted knowledge of the fentanyl and cocaine inside his vehicle and admitted to driving from California to Utah to distribute the cocaine.

7. I know from training and experience that this amount of fentanyl and cocaine are consistent with distribution as opposed to personal use.

Based on the foregoing information, I respectfully request an arrest warrant be issued for **Carlos ASUNIONMAGANA** for violation of 21 U.S.C. § 841(a)(1), Possession of FENTANYL with Intent to Distribute and 21 U.S.C. § 841(a)(1), Possession of COCAINE with Intent to Distribute.



Brett Taylor
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN TO BEFORE ME this 18th day of AUGUST 2023.



Jared C. Bennett
United States Magistrate Judge

APPROVED AS TO FORM:

TRINA A. HIGGINS
United States Attorney

/s/ Seth Nielsen

Seth Nielsen
Assistant United States Attorney